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· Counsel to FCP Entertainment Partners, LLC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

CHAPTER 11 (SUBCHAPTER V)

HAL LUFTIG COMPANY INC.,

CASE NO. 22-11617 (JPM)

DEBTOR.

**FCP ENTERTAINMENT PARTNERS, LLC'S NOTICE OF SUPPLEMENTAL
AUTHORITY IN FURTHER SUPPORT OF ITS OBJECTION TO CONFIRMATION OF
SMALL BUSINESS PLAN OF REORGANIZATION**

FCP Entertainment Partners, LLC (“FCP”), respectfully notifies the Court of new authority relevant to the arguments made in support of and in opposition to confirmation of the Debtor Hal Luftig Company, Inc.’s (“Debtor”) small business plan of reorganization. On August 10, 2023, the Supreme Court of the United States granted an application for stay of the mandate articulated by the United States Court of Appeals for the Second Circuit in *In re Purdue Pharma, et al.*, Case No. 22-110 and the consolidated cases (“Purdue”). Accordingly, the Supreme Court granted certiorari, recalled and stayed the Second Circuit’s decision in *Purdue*, and directed the parties to brief the same question that is central to the confirmation of the Debtor’s small business plan of reorganization here: “[w]hether the Bankruptcy Code authorizes a court to approve, as part of a plan of reorganization under Chapter 11 of the Bankruptcy Code, a release that extinguishes claims

held by nondebtors against nondebtor third parties, without the claimants' consent." The Supreme Court's review of the Second Circuit's decision is of particular importance here as the Debtor's arguments in support of confirmation are wholly centered around the precedent established in *Purdue*. A copy of the Supreme Court's grant of certiorari is attached hereto as **Exhibit A**.

Dated: August 11, 2023
Buffalo, New York

LIPPES MATHIAS LLP

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To: All parties receiving CM/ECF notice